

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESUS GONZALEZ-QUEZADA,)
Petitioner,) Case No. C09-0168-RAJ-JPD
v.)
ELDON VAIL,) ORDER OF DISMISSAL
Respondent.) WITHOUT PREJUDICE OF
) UNEXHAUSTED CLAIMS

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. 4), the Report and Recommendation Regarding Unexhausted Claims of United States Magistrate Judge James P. Donohue, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation Regarding Unexhausted Claims;
 - (2) As enumerated in the Report and Recommendation Regarding Unexhausted Claims, the following unexhausted claims are DISMISSED WITHOUT PREJUDICE from the petition and this case: Issues 3(b)–(d); Issues 7(a)–(d) and (f); and Grounds 4, 5, 8, 9, and 10;
 - (3) Petitioner’s remaining, fully exhausted claims shall proceed: Issues 3(a) and (e)–(f); Issue 7(e); and Grounds 1, 2, and 6;
 - (4) Respondent is directed to file a brief that substantively addresses petitioner’s

1 exhausted claims within thirty (30) days of the date of this order and to note it for
2 consideration on the fourth Friday after filing, the same day that petitioner's
3 optional reply is due; and

- 4 (5) The Clerk of Court is directed to send copies of this Order to petitioner and to
5 Magistrate Judge James P. Donohue.

6 IT IS SO ORDERED.

7 DATED this 2nd day of October, 2009.

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12 The Honorable Richard A. Jones
13 United States District Judge
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